



POLICE DEPARTMENT

February 16, 2011

MEMORANDUM FOR: Police Commissioner

Re: Sergeant Israel Sexton  
Tax Registry No. 924479  
Brooklyn Court Section  
Disciplinary Case No. 86411/10  
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The above-named member of the Department appeared before me October 14, 2010, charged with the following:

1. Said Sergeant Israel Sexton, assigned to the Brooklyn Court Section, on or about October 16, 2009, did engage in conduct prejudicial to the good order, efficiency, or discipline of the Department, in that said Sergeant failed to match prisoner movement slips to every prisoner lodged in intake, as required by the BROOKLYN COURT SECTION, POSTS AND RESPONSIBILITIES.

P.G. 203-10, Page 1, Paragraph 5 – PUBLIC CONTACT – PROHIBITED CONDUCT  
GENERAL REGULATIONS

The Department was represented by Rita Bieniewicz, Esq., Department Advocate's Office, and the Respondent was represented by Bruno Gioffre, Esq.

The Respondent, through his counsel, entered a plea of Not Guilty to the subject charge. A stenographic transcript of the trial record has been prepared and is available for the Police Commissioner's review.

DECISION

The Respondent is found Guilty as charged.

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SUMMARY OF EVIDENCE PRESENTED

The Department's Case

The Department called Sergeant Brian Horan and Lieutenant Leon Leslie as witnesses

Sergeant Brian Horan

Horan has been a member of the Department for fifteen years and is currently assigned to the Criminal Justice Bureau Investigations Unit (CJBIU). He has held the rank of sergeant since 2002 and has been working in CJBIU for approximately five years as a sergeant investigator. His unit is directly involved with incidents that occur in the court sections. His prior assignments include Brooklyn North Traffic Violations Bureau and Brooklyn Court Section (BCS). While assigned to the BCS, Horan was the steady intake supervisor for approximately a year and a half.

His duties as a sergeant in CJBIU involve responding to emergency situations such as escaped prisoners, prisoner suicide, and for prisoners who missed arraignment. He testified that when he gets assigned to "callouts," he goes to the scene of the incident. Horan testified that on October 16, 2009, he was called to BCS to investigate an unaccounted prisoner. The prisoner was identified as Eddie Franklin. Horan arrived to BCS at approximately 10:40 a.m. and was given a photo of Franklin. He began his investigation by playing the surveillance tapes from the previous day of the prisoner holding area to see if he had in fact escaped. The Department entered into evidence a Prisoner Movement Slip and a Medical Treatment of Prisoner form as Department's Exhibit (DX) 1.

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Horan testified he saw Franklin on the video surveillance, move from one cell to another cell with a sandwich in his hand. Franklin was later observed sleeping in another cell. Horan said he observed Franklin in the cell at approximately 8:00 a.m. Horan stated that the reason why Franklin was moving from one cell to another was probably because the prisoners were being fed. When the prisoners are being fed, they don't always use the movement slips to identify the prisoners, but rather they just call out their names. He added that the movement slip is used to track prisoners if they are going to a different location in the building. While Horan was watching the surveillance tapes, he realized at approximately 8:00 a.m. that Franklin was still in BCS and had not escaped. Subsequently, he said he heard someone say "he Franklin is here, he is in cell six."

Horan said that at the change of every tour, a "face-to-face" takes place. He explained that a face-to-face is when all of the prisoners are placed in one cell and are called out one at a time. Their faces are matched with their movement slips, and then they are placed in a different cell. Horan said this is done to keep count of all the prisoners. Moreover, he said he performed this procedure during his time at BCS. He acknowledged that as part of his investigation, he received and reviewed the Brooklyn Court Section Posts and Responsibilities booklet (DX 2). He pointed out that there is another booklet that pertains to supervisors – the Brooklyn Court Section Supervisor's guide (DX 2A). He further stated that the risks involved in not doing a face-to-face is that a prisoner will be "unaccounted for and you won't know until further on in the tour."

Horan testified that when he arrived at BCS in the morning, the cell area was active with many prisoners. This incident, however, occurred during the midnight tour. During the midnight tour, he said, things are "little tougher to deal with because after

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court goes down at one o' clock in the morning, you end up with a lot of prisoners that just lay around " The prisoners are usually sleeping on the floors, and many of their faces are not exposed He said that in his experience and training, the proper way to identify the prisoners would be to have them all moved to one cell and then use the Prisoner Movement Slips to call the prisoner's name and match their face with the picture on the movement slip

Horan stated that during his interview with Franklin, Franklin stated he was not asked his pedigree information Franklin also said he was partially deaf in one ear

Horan stated that before a face-to-face takes place, a "pop-up" has to be conducted A "pop-up" is a check of the prisoner's status It is done to match the movement slips with the photos on the Department computer It is also conducted to check whether or not the prisoner is ready to be taken to court He noted that a "pop-up" check is not a replacement for doing a "face-to-face" check

Horan testified that he interviewed the Respondent He stated that the procedure the Respondent conducted was not correct He stated that the Respondent told him that he went inside the cells with Franklin's picture and asked the other prisoners if they had seen Franklin or he was "trying to match his face up with the guys that were in the cells " Horan pointed out that it was a midnight tour and the prisoners were "basically sleeping" which made it more difficult to see their faces Horan said the Respondent should have had all the prisoners stand up and move over to different cell and then use the Prisoner Movement Slip to match the prisoners as they walked into a different cell He said there were several Members of the Service present in BCS in response to the Level One

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Mobilization that was called for the missing prisoner. The mobilization was called off at approximately 12 30 p m or 12 40 p m.

On cross-examination, Horan stated he could not recall the exact time he saw Franklin on the surveillance tape but he said he did see Franklin on two separate occasions. First, Franklin was observed getting a sandwich, and then he was observed lying on the floor in the cell. Horan acknowledged he first saw Franklin at approximately 8 00 a m , after the midnight tour had ended. The incident occurred during the midnight tour. He stated that Taylor, the Administrative Lieutenant, had access to the video cameras. He testified that Lieutenant Delaney was on duty the night of the incident. Horan acknowledged that the Respondent had arrived at BCS around 10 30 p m. The Respondent was informed a face-to-face had been conducted the previous tour. The first time the Respondent realized Franklin was missing was when the prisoners were being transported from the holding cells to Old Court, which is across the street. He further stated it is the sergeant's responsibility to make sure the prisoners are moved to Old Court. It is not the job of a sergeant to conduct a face-to-face, but rather he has to ensure that a face-to-face is conducted. The Respondent was told by one of his subordinates that a face-to-face was conducted on the previous tour.

With regards to the prisoner, Horan said if Franklin had mentioned that he was partially deaf during the screening process with EMS, then it should have been documented on the Medical Treatment of Prisoner form. He also acknowledged that it may have been discretionary to make Franklin a medical "walk-through" which is to have him isolated and a police officer with him based on his impairment. Horan acknowledged that about an hour after the prisoner was declared missing, the Respondent

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conducted two face-to-face counts Horan reviewed the surveillance tapes but had a difficult time trying to understand what was going on because the tape was broken in different time frames But from what he could make out, he acknowledged he did not see anything wrong with the face-to-face that was conducted by the Respondent

Horan also acknowledged that a week after the incident occurred there was a Department memorandum, sent by Captain Richard Jackle, which addressed a lot of insufficiencies with the BCS procedures, and also recommended some improvements

On redirect examination, Horan again acknowledged the Respondent was told a face-to-face had been conducted on the previous tour In addition, the Respondent's tour began at approximately 10 30 p m and it was not until approximately 1 45 a m that Franklin was unaccounted for

On re-cross-examination, Horan acknowledged after learning of the unaccounted prisoner, that the Respondent had conducted a face-to-face at approximately 2 00 a m

On redirect Horan agreed that although the Respondent was using the term face-to-face in his Department interview, he nonetheless did not follow the procedure as it is described by the rules

Lieutenant Leon Leslie

Leslie has been a member of the Department for over 19 years He is currently assigned to the Queens Court Section (QCS) and has been in CJBUI since 2001 Leslie testified he was the Commanding Officer of CJBUI at the time this incident took place, and also that he worked with Horan on this case He said he did not look at the entire

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surveillance tape but only saw small portions of it. Further, he stated he is not aware of any restrictions that sergeants may have when accessing video surveillance of BCS

Leslie could not recall if he had been given a Department memorandum that addressed some of the issues that were raised in this investigation. He was shown RX B, a Department memorandum from Captain Jackle. He said he doesn't recall seeing this document but understands the contents of it. The memorandum was a written response to the investigation and redirected supervisors in BCS of their various duties.

On cross-examination, Leslie acknowledged that as the Commanding Officer of CJBIU, he determined that the Respondent had violated Department procedure by not properly conducting a face-to-face search.

On redirect examination, Leslie again acknowledged he only saw portions of the surveillance tapes from 12:00 a.m. to 8:00 a.m. He asserted that from the portions of the tape he watched, he was able to conclude that the Respondent had violated BCS procedure because he observed that Franklin was still present in the cells. He added that if the Respondent had conducted a proper face-to-face procedure, the prisoner would have been found.

The Respondent's Case

The Respondent testified in his own behalf.

The Respondent

The Respondent has been a member of the Department for 11 years and is currently assigned to BCS. He has been working in BCS since 2005. He is the Intake, Desk, and LAPS supervisor. He stated that when he is at the desk, "you account for

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people coming into work, you do the roll calls, you're the operations for the whole borough. If you are in intake, you know, you supervise the officers assigned to intake, you sign Prisoner Movement Slips of cops bringing in prisoners that require treatment, and if you are at LAPS, you are supervising the arrest processing for the borough."

On the date of the incident, he was working a 2216 x 0700 tour. Upon arrival to BCS, he looked at the Roll Call, assigned posts, and then went to his post. He was assigned as the Intake supervisor.

With regards to the face-to-face, he said there were two police officers that were working the 1600 x 2400 who were carrying over to his tour. The two officers were identified as Patrelli and Ferrara. The Respondent was told by Ferrara that a face-to-face had been conducted. The Respondent said it is not uncommon for a face-to-face to be conducted before the supervisor arrives because the supervisors are still busy with the roll calls. Ferrara said Officer Hamlin, who worked 1600 x 2400, had done the face-to-face. The Respondent asserted it is not the sergeant's responsibility to conduct the face-to-face, but rather a sergeant assigns a cell-attendant to conduct it. A face-to-face is also under the duties and responsibilities of a cell-attendant. The Respondent made a Command Log entry of the face-to-face at approximately 2310 and he arrived at his post at approximately 2245 hours. He realized the prisoner was missing shortly after he arrived to post.

The Respondent testified the incident took place on a Thursday night, one of the busiest nights in BCS. There were at least 90 prisoners in the cell. He was getting ready to take 30 prisoners to Old Court, which is the court that is across the street from where the prisoner holding cells are, when he realized that Franklin was missing. He called



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Franklin's name but no one answered. He then went to all the cells and called out Franklin's name, but again, no one answered. He said that there were 35 prisoners outside of the cells and he did not want to leave them there. He told the officers in charge of moving the prisoners to check Old Court to see if Franklin had already been moved. Franklin was not in Old Court.

The Respondent said he looked at the Prisoner Movement Slip (DX 1) and noticed Franklin was arrested in the 76 Precinct which is considered a Red Hook Precinct. Further, he said if a person is arrested in a Red Hook precinct and if he has a violation or misdemeanor charge, then that person has to be arraigned in Red Hook Court. He thought Franklin's paperwork might have erroneously been sent to BCS. But nevertheless, he still went into every cell with Officer Lemos, and called out Franklin's name. He was using Franklin's movement slip to identify him. He added that by this time there were well over a hundred prisoners in the cell area, and it was not uncommon to go into a cell and callout a prisoner's name or ask other prisoners if they had seen a particular prisoner. Moreover, he said there is no procedure in the Patrol Guide that explains what has to be done when a prisoner doesn't answer. Additionally, there was nothing in writing from his supervisor that could also explain what has to be done when a prisoner doesn't answer.

Furthermore, in explaining his actions he said

There are a lot of things that can happen. Number one, like I mentioned, this guy was a Red Hook prisoner. After doing an investigation, come to find out that particular court had closed early the previous day. For whatever reason, I never found out. I also found out they also activated some precincts. Like we have what we call cells. Like, for example, when Red Hook closed, any prisoners who were going to be seen in Red Hook would be lodged at

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the 72 Precinct They would never make their way down to Central Booking So it was a disaster because we had all these precincts that were activated for whatever problem they had in Red Hook that had prisoners, and we didn't know it

In addition, he said he checked the hospital log to see if Franklin had been removed to the hospital He also checked to see if Franklin's case had been declined prosecution

After conducting the face-to-face, the Respondent notified the Platoon Commander, Lieutenant Delaney The Respondent and Delaney then began searching the cells again They called all the precincts that may have been activated as holding cells He said that at no point did they think Franklin was missing, but rather they

thus happens quite often

Moreover, he said the arrest should have been adjudicated in Red Hook Court, so he had to call Red Hook Court and speak with an officer from there But in order to do this, he had to wait until 6 30 a m , when it opened

Once the Respondent confirmed with Red Hook that the prisoner was not there, Delaney asked Taylor to review the surveillance tapes

He stated that every morning CJBIU calls BCS at approximately 6 30 a m to see if everything is up and running When CJBIU called the day of the incident, a sergeant who was on the desk said they had a missing prisoner The Respondent said the prisoner was not missing, rather he was unaccounted for He said an example of a missing prisoner would be "if you're in a hospital and you're guarding a prisoner and you come back and he is gone, then you know you have a problem You have an escaped prisoner, missing prisoner, however you want to call it " The Respondent stated that in the present case, there was no evidence that the prisoner had escaped He testified that since the

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sergeant had told CJBUI that there was a missing prisoner, CJBUI called a Level One Mobilization, came down to BCS and took over the investigation. The Respondent did not have an opportunity to review the surveillance tapes.

Moreover, he said because Franklin was deaf in one ear, he should have been "flagged by the precinct." There also should have been a Medical Treatment of Prisoner form prepared and attached to his paperwork. If the paperwork had been prepared, it would have been at the discretion of the desk officer to make Franklin a medical walk-through.

He said once CJBUI took over the investigation, he was told to write down all the steps he had taken to locate the prisoner. The Respondent entered into evidence what had been previously marked as RX A—a list of the steps the Respondent had taken—for identification, into evidence.

The Respondent further testified that the prisoner holding cells are in a different building than where they used to be. The face-to-face procedure was written for the cell layout in the old building, so therefore the face-to-face procedure does not apply to the cell layout in the new building. He said in the old building, there were six cells right in front of the cell attendant, however, in the new building, the cells are arranged in a circular fashion and are divided by walls in the center.

Furthermore, he said in the old building, the cells were a lot bigger and would be able to hold about a hundred prisoners. There was also more space for the prisoners to stand outside the cells where they would be counted. This is the procedure Horan was describing. The Respondent said the procedure described by Horan applied to the old building because in "the new building it was impossible. The cells were smaller, there

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were nine cells and they go all around the room. So if you are counting well over a hundred prisoners and you are calling out the name and you literally have barriers and walls, it's very easy for my cell attendant to mistakenly miss someone, you know."

On cross-examination, he acknowledged that he realized the prisoner was unaccounted for three-and-a-half hours after his tour started. He said the way he ensures that a face-to-face has been conducted is by asking the cell attendant if a face-to-face or a pop-up had been conducted. If it had been, he would make an entry in the log, but if it had not been conducted, then he would get the cell attendants together and conduct a face-to-face. The cell attendants call out the prisoner's name using their movement slips, and ask them to move from one cell to another. While this was going on, he was supervising the procedure and eight other police officers. Two ways to ensure that a face-to-face is conducted is by relying on the word of another officer or by supervising and observing the officers while they do it.

He further acknowledged that it was a busy night with well over a hundred prisoners. He stated that it took him approximately 30 minutes to go from cell to cell calling out Franklin's name and asking the other prisoners if they had seen him. He said he was doing this, locking cell doors, and sending other officers to look for Franklin as a precautionary measure. He wanted to make sure he covered every base before he started notifying his superiors. Once the Respondent completed the search, he notified his lieutenant. He does not recall the exact words he used while notifying the Lieutenant. The Respondent and the lieutenant spent a couple of hours calling different hospitals and precincts in search of Franklin.

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The Level One Mobilization was ordered by Deputy Inspector McDonald. He was informed by CJBIU of the unaccounted prisoner. CJBIU was informed of the unaccounted prisoner at approximately 6:30 a.m. So from 2:00 a.m. to 7:00 a.m., the Respondent was searching for the unaccounted prisoner. He acknowledged that he neither saw a face-to-face being conducted nor did he tell any of the other officers to conduct a face-to-face. He said Delaney had called and told the other officers to conduct a face-to-face. The officers conducted a face-to-face, but Franklin was still not found. Although he did not witness a face-to-face being conducted, he was informed by one of the police officers in BCS that it had been conducted for the midnight tour. Franklin was eventually found at some time before noon. The Respondent was still present at BCS when Franklin was accounted for.

FINDINGS AND ANALYSIS

The Respondent is charged with engaging in conduct prejudicial to the good order, efficiency, or discipline of the Department, in that he failed to match prisoner movement slips to every prisoner lodged in intake, as instructed and required by the "Brooklyn Court Section, Posts and Responsibilities." Essentially the Respondent failed to make a "face-to-face" inspection of a prisoner, Eddie Franklin, and match his face to his photo in his movement slip.

The "Brooklyn Court Section, Posts and Responsibilities" requires that the cell attendant during "Intake," "Staging," and "Escort" of prisoners, "Match each prisoner with his movement slip by photo and ask the prisoner his name and Date of Birth for identification purposes." It also states that "When prisoners are removed from staging,

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match photo with prisoner while calling his name and confirming his Date of Birth before allowing him to be removed to court " It further states that "before removing prisoner to designated court part, verify his identity When calling his name, ensure the photo on the movement slip matches the body and confirm his Date of Birth" (DX 2) This stated procedure for physically matching the prisoner to his photo and birth date, to ensure his physical presence, is cited throughout this instruction manual In addition, the "Brooklyn Court Section, Supervisor's Guide" requires the Intake Supervisor "Upon arriving at post, ensure personnel conduct a face-to-face of all prisoners lodged in the area " (DX 2A)

Horan was called to the Brooklyn Court Section to investigate the disappearance of Franklin He was given a photo of him and reviewed the surveillance tapes from the previous day's holding area to see if he had escaped The tapes showed that Franklin was moved from one cell to another and was also observed sleeping in one of the cells at approximately 8 00 a m Horan concluded from the tapes that Franklin had not escaped and was still in BCS in cell six

Horan informed the Court that a "face-to-face" happens at the change of every tour when all the prisoners are placed in one cell and are called out one at a time At that point, their faces are matched with their movement slip photos and they are then placed in a different cell This procedure is done to keep count of all of the prisoners

Horan stated that the incident occurred during the midnight tour which made identifying prisoners more difficult because they are usually asleep on the floor of the cells with their faces covered When Horan interviewed the Respondent, he learned that the procedure for identifying prisoners that the Respondent had conducted was not correct The Respondent told him that he went inside the cells with Franklin's picture

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and asked other prisoners if they had seen Franklin and he was also "trying to match his face up with the guys that were in the cells " Since it was a midnight tour, the prisoners were "basically sleeping" which made it more difficult to see their faces Horan said the correct procedure that the Respondent should have conducted was to have all the prisoners stand up and move over to a different cell and then use the prisoner movement slip to match the prisoners as they walked into a different cell When he interviewed Franklin, he was told that no one had asked for his pedigree information and what made the situation worse was that he was partially deaf Franklin's hearing impairment made a face-to-face identification even more necessary especially if he was asleep with his face covered

Horan further pointed out that it is not the actual job of the sergeant to conduct a face-to-face but he ensures that one was conducted He added that the Respondent was told that a face-to-face was conducted by one of his subordinates on the previous tour

The Respondent told Horan that at 1 45 a m , after Franklin was declared missing when they were moving prisoners, he conducted two face-to-face counts Horan could not corroborate the Respondent's face-to-face counts because the monitoring tapes were broken But, according to Horan, the face-to-face counts that the Respondent was conducting did not comport with the rules

Leslie, the Commanding Officer of CJBIU told the Court that he only saw portions of the surveillance tapes from the 12 00 a m to 8 00 a m tour From the portions that he was able to see, he was able to conclude that the Respondent had violated BCS procedure because he observed that Franklin was still present in the cells He added

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that if the Respondent had conducted a proper face-to-face procedure, the prisoner would have been found

The Respondent was the supervisor in BCS on October 16, 2009 when Franklin was unaccounted for in the cells. Upon reporting for duty, the Respondent was informed by Officer Ferrara that a face-to-face inspection had been conducted of the prisoners prior to his arrival. Ferrara told him that Officer Hamlin did the inspection. The Respondent stated that it is not the sergeant's responsibility to conduct the face-to-face inspection, he is to assign a cell attendant to conduct the inspection.

He made a Command Log entry at 2310 hours reflecting that the face-to-face was conducted prior to him arriving at his post at 2245 hours. The night in question was a busy night with at least 90 prisoners in the cells. When he realized Franklin was missing, he called his name but received no answer. He then went to all the cells and again called his name but again no one answered.

He then told officers to check the Old Court section to see if Franklin had already been moved but he was not there. He then looked at the Prisoner Movement Slip and noticed that Franklin had been arrested in the 76 Precinct and thought that he might be arraigned in the Red Hook Court and his paperwork was sent to BCS in error. Notwithstanding that Franklin might be in another court, the Respondent and Officer Lemos went into every cell and called out his name. While the Respondent referred to his going to every cell as a face-to-face procedure, he at no time attempted to have the Prisoner Movement Slip photos match up with the prisoners as required by both the cell attendant's and supervisor's guides. He stated that at one point there were over one hundred prisoners in the cell area and claims that it was not uncommon to go into a cell



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and call out a prisoner's name or ask other prisoners if they had seen a particular prisoner

In explaining his actions he noted that there is no procedure in the Patrol Guide that explains what to do when a prisoner does not answer, nor is there any writing from his supervisor on the subject. He also pointed out that there were precincts that were activated because prisoners had to be lodged at other locations because the Red Hook Court was closed and according to the Respondent that created a "disaster "

The Respondent also checked hospital logs to see if Franklin had been removed to a hospital. He even prepared a long list of what he did to locate Franklin (RX A). After conducting what he called a face-to-face and received "no answer" he called Lieutenant Delany and they began searching the cells again, but did not find him. The Respondent did not believe that Franklin was missing, he just thought there was an administrative error.

After more checking with the precincts, Delany asked Lieutenant Taylor to review the surveillance tapes. Prior to reviewing the tapes, CJBUI called at approximately 7 a.m., as they routinely do to ask how everything was and they were told that there was a missing or unaccounted for prisoner. At that point, Franklin had been "unaccounted for" for approximately 5 hours. Investigators then came to BCS at approximately 9 a.m. and took over the investigation.

The Respondent explained, with regards to the face-to-face procedures, that the procedures are not practical for the new cells where he works because the cells are too small to "call everyone out directly in front of you." He pointed out that when Horan told of how he did the proper face-to-face it was "in the old place [where] we had really,

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really big cells where you can take a hundred prisoners and split them apart in two cells and call them out ” He claimed that the procedure that Horan was referring to applied to the old building and was “impossible” to do in the new building “So if you are counting well over a hundred prisoners and you are calling out the name and you literally have barriers and walls, it’s very easy for my cell attendant to mistakenly miss someone, you know ”

The Respondent’s procedure for doing a face-to-face was to call out a prisoner’s name and when the prisoner answered, he then matched it up with the movement slip The Respondent admitted that during the time that Franklin was missing, he did not line up and visually observe all the prisoners and conduct a face-to-face procedure with a movement slip for each prisoner He also did not direct any of his subordinates to conduct such a procedure

It is understandable to this Court that supervising and controlling the detention of prisoners is no easy task This Court is also mindful that the Respondent appears to have conducted many checks after Franklin was missing to determine where he was The Respondent, however, admittedly did not conduct what is probably the most important check of all—a face-to-face inspection matching the prisoners to their photos to make sure they were there While it may be more difficult to conduct the required face-to-face procedure because of the limited cell space that now exists at the BCS, proper procedure must be followed This Court should also point out that Franklin’s hearing impairment should not be a major issue in not locating him because any prisoner who decides not to respond to his name being called could end up be “unaccounted” for if a proper face-to-

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face is not conducted It is the matching of the face to the photo that is the all important procedure

This Court finds that the face-to-face procedure was put in place to ensure that prisoners will be accounted for and that no prisoner—especially those with dangerous propensities—will have the opportunity to escape unnoticed.

Based on the forgoing, the Respondent is found Guilty as charged

PENALTY

In order to determine an appropriate penalty, the Respondent's service record was examined See Matter of Pell v Board of Education, 34 N Y 2d 222, 240 (1974) The Respondent was appointed to the Department on July 7, 1999 Information from his personnel folder that was considered in making this penalty recommendation is contained in the attached confidential memorandum

The Respondent has been found Guilty of failing to ensure that prisoner movement slips were matched to every prisoner lodged in intake as required Specifically, he failed to properly conduct the intake face-to-face procedure that would have made it more likely that the location of a prisoner would have been discovered in a timely manner

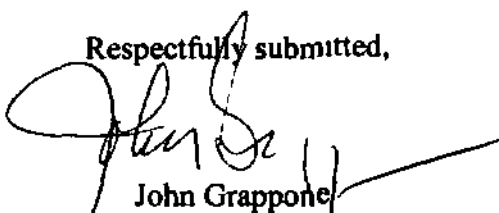
Based on the foregoing it is recommended that the Respondent forfeit a penalty of 10 vacation days

**APPROVED**

OCT 04 2011

RAYMOND W KELLY  
POLICE COMMISSIONER

Respectfully submitted,

  
John Grappone  
Assistant Deputy Commissioner-Trial

POLICE DEPARTMENT  
CITY OF NEW YORK

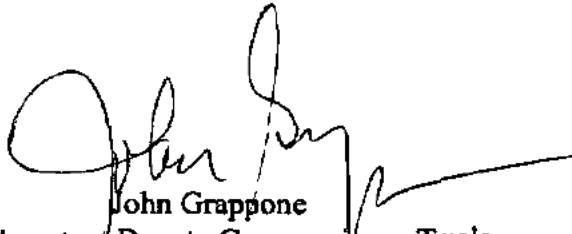
From Assistant Deputy Commissioner – Trials  
To Police Commissioner  
Subject CONFIDENTIAL MEMORANDUM  
SERGEANT ISREAL SEXTON  
TAX REGISTRY NO 924479  
DISCIPLINARY CASE NO 86411/10

On the last three performance evaluations contained in his personnel file, the Respondent received ratings of 4 0 "Highly Competent," 3 5 "Above Competent and 3 0 "Competent "

In May 2007, the Respondent was found Guilty of failing to notify the Police Commissioner and/or the Legal Bureau that he intended to provide character testimony in Queens Supreme Court [REDACTED]

On April 27, 2009, the Respondent was placed on LEVEL II Disciplinary monitoring

For your consideration

  
John Grappone  
Assistant Deputy Commissioner-Trials